

DEPOSITION OF ANDREA BRENT

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

MIDLAND FUNDING, LLC,
Plaintiff,

vs.

Case No. 3:08-CV-1434

ANDREA L. BRENT,
Defendant and
Third-Party Plaintiff,

Judge David A. Katz

vs.

MIDLAND CREDIT MANAGEMENT, INC.,
Third-Party Defendant.

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DEPOSITION OF ANDREA BRENT

Taken on Wednesday, November 12, 2008 at 12:53 p.m.

At the law offices of:

Murray & Murray Co., L.P.A.

111 East Shoreline Drive

Sandusky, Ohio 44870

Before Nancy Geiger, a Registered Professional Reporter
and Notary Public in and for the State of Ohio

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<p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the Defendant/ 4 Third-Party Plaintiff:</p> <p>5 Murray & Murray Co., L.P.A., by 6 DONNA JEAN A. EVANS, ESQ. 7 111 East Shoreline Drive 8 P.O. Box 19 9 Sandusky, Ohio 44870 10 419-624-3000 11 dee@murrayandmurray.com</p> <p>12</p> <p>13 On behalf of the Plaintiff/ 14 Third-Party Defendant:</p> <p>15 Javitch, Block & Rathbone, by 16 R. GLENN KNIRSCH, ESQ. 17 1100 Superior Avenue 18 19th Floor 19 Cleveland, Ohio 44114 20 216-623-0000 21 gknirsch@jbandr.com 22 ---- 23 24 25</p>	<p>1 answer. I don't know is a perfectly 2 acceptable answer, okay?</p> <p>3 A. Okay.</p> <p>4 Q. Along those lines, please 5 answer your questions out loud, yes, no, 6 I don't know. The court reporter is 7 trying to take down everything we have 8 to say. If I remind you, I'm not being 9 rude, I'm just trying to keep the record 10 clear. Okay?</p> <p>11 A. Right.</p> <p>12 Q. Yes?</p> <p>13 A. Yes. Right.</p> <p>14 Q. Also, please try not to 15 speak over me and I'll try not to speak 16 over you. We tend to anticipate answers 17 and maybe you anticipate a question, but 18 again, we need to keep the record as 19 clear as possible, okay?</p> <p>20 A. Okay.</p> <p>21 Q. Another rule, if you don't 22 understand a question I ask, obviously, 23 I know what I'm trying to ask, but 24 maybe it didn't come out clearly, please 25 ask me to rephrase and I'll do my best</p>
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<p>1 ANDREA BRENT, of lawful age, 2 called for examination, as provided by 3 the Federal Rules of Civil Procedure, 4 being by me first duly sworn, as 5 hereinafter certified, deposed and said 6 as follows:</p> <p>7 EXAMINATION OF ANDREA BRENT 8 BY-MR.KNIRSCH:</p> <p>9 Q. Good morning, Ms. Brent. 10 A. Morning.</p> <p>11 Q. My name is Glenn Knirsch and 12 I represent Midland Credit Management 13 and Midland Funding in this action. 14 Have you ever had your deposition 15 taken before? 16 A. No.</p> <p>17 Q. Okay. A deposition is 18 basically a tool we attorneys use to 19 learn a little bit more about the case. 20 I'll ask you a series of questions. As 21 you know, you're under oath, so you're 22 expected to answer as truthfully and to 23 the best of your knowledge. 24 If you don't remember, I don't 25 remember is a perfectly acceptable</p>	<p>1 to do so, okay?</p> <p>2 A. Okay.</p> <p>3 Q. And finally, if you want to 4 take a break for whatever reason, we'll 5 take a break. Just ask me, but if 6 there's a question pending, first answer 7 that question and then we'll take a 8 break for whatever needs you have, okay?</p> <p>9 A. Okay.</p> <p>10 Q. Does that sound okay?</p> <p>11 A. Yes.</p> <p>12 Q. Can you please state your 13 name for the record. 14 A. Andrea Brent.</p> <p>15 Q. Okay. Where do you 16 presently live, Ms. Brent? 17 A. I live in Sandusky, Ohio. 18 Q. Is it a 3902 address? 19 A. That's correct. 20 Q. 3902 Donair Drive? 21 A. That's correct. 22 Q. How long have you lived at 23 3902 Donair Drive? 24 A. Approximately a year and four 25 months.</p>

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1 Q. A year and four months. And
2 is that a home?
3 A. Yes, it is.
4 Q. Okay. And you own that
5 home?
6 A. Correct.
7 Q. Do you live at that home
8 with anybody else?
9 A. Yes.
10 Q. Whom do you live with?
11 A. My fiancé.
12 Q. Your fiancé. And that
13 gentleman's name is?
14 A. John Schwardentraub.
15 Q. Schwardentraub.
16 A. S C H W A R D E N T R A U B.
17 Q. Can I call him John from
18 here on out?
19 A. You can, yes.
20 Q. Okay. And is that the same
21 that John you mentioned in your initial
22 discovery?
23 A. That's correct.
24 Q. Okay. Where did you live
25 before the 3902 Donair Drive?

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1 A. I lived at 5803 East Dennis
2 Drive, in Marblehead, Ohio.
3 Q. Okay. How long did you live
4 there?
5 A. A year, approximately.
6 Q. And just for my
7 understanding, what -- is it Marblehead,
8 Ohio?
9 A. That's correct.
10 Q. Where is that exactly?
11 A. It's just a little east of
12 Port Clinton --
13 Q. Okay.
14 A. -- area.
15 Q. I know where Port Clinton
16 is. And prior to that, did you live
17 anywhere?
18 A. Yes, I did.
19 Q. Where did you live prior to
20 that?
21 A. Prior to that, I lived at 73
22 Sandy Trail, Willard.
23 Q. Okay. Are these all
24 apartments, prior to the 3902?
25 A. The 5803 was an apartment,

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1 home to me. And then also the Dennis,
2 I'm sorry, the 73 Sandy Trail was a
3 home.
4 Q. Okay. Did you ever -- we'll
5 get to that.
6 Whom did you speak with about
7 this deposition, prior to coming here
8 today?
9 Did you speak with anybody about
10 this?
11 A. No, no.
12 Q. No. Okay. Did you look at
13 any documents prior to today, in
14 preparation for your deposition?
15 A. I received a certified letter
16 in the mail. And that's the only
17 document that I received.
18 Q. And that was from your
19 attorney?
20 A. No, Javitch.
21 Q. Oh, okay. So in preparation
22 for today's deposition, you did not
23 review any documents?
24 A. No, I'm not sure --
25 MS. EVANS: I don't think she

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1 understands the question.
2 Q. Okay. Did you do anything
3 to prepare for today? Did you meet
4 with your attorney --
5 A. Yes.
6 Q. -- to prepare for today?
7 A. Yes, I did.
8 Q. Did your attorney show you
9 any documents, prior to being deposed
10 today?
11 A. Yes.
12 Q. Okay. What did she show
13 you?
14 A. I am not sure exactly what
15 the documents are termed or called.
16 Q. Okay. Did she show you the
17 complaint that was filed against you, by
18 Javitch, Block & Rathbone?
19 A. I believe I had that
20 information.
21 Q. Okay. If you come to
22 remember anything that you looked at
23 previous to this deposition today, if
24 you could please let me know.
25 Okay. Let's talk about where you

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<p>1 work. Where do you work?</p> <p>2 A. Fenner, F E N N E R, Dunlop</p> <p>3 in Brooklyn, Ohio.</p> <p>4 Q. Okay. What is Fenner</p> <p>5 Dunlop?</p> <p>6 A. They make conveyer belting.</p> <p>7 Q. They make conveyer belting.</p> <p>8 And how long have you worked at Fenner</p> <p>9 Dunlop?</p> <p>10 A. Approximately four years.</p> <p>11 Q. Approximately four years.</p> <p>12 And prior to that, what did you do?</p> <p>13 A. Prior to that, I worked at</p> <p>14 Central Soya.</p> <p>15 Q. And Central Soya is what</p> <p>16 exactly?</p> <p>17 A. A grain elevator.</p> <p>18 Q. A grain elevator. Did you</p> <p>19 go to college?</p> <p>20 A. Yes, I did.</p> <p>21 Q. Where do you go to college?</p> <p>22 A. University of Toledo.</p> <p>23 Q. And what did you study at</p> <p>24 University of Toledo?</p> <p>25 A. I studied elementary</p>	<p>1 you graduate from high school?</p> <p>2 A. 1995.</p> <p>3 Q. 1995. Did you start college</p> <p>4 immediately or did you work for a while</p> <p>5 and then go to college?</p> <p>6 A. I worked for a while and</p> <p>7 then went to college.</p> <p>8 Q. Okay. In '96, do you</p> <p>9 remember if you were in college?</p> <p>10 A. I would say maybe '97.</p> <p>11 Q. Probably '97?</p> <p>12 A. I'm not 100 percent sure.</p> <p>13 Q. Fair enough. Any post --</p> <p>14 anything after college?</p> <p>15 A. Work.</p> <p>16 Q. Just work, no school</p> <p>17 afterwards?</p> <p>18 A. No.</p> <p>19 Q. Okay. How many -- and you</p> <p>20 say you live with your fiancé?</p> <p>21 A. That's correct.</p> <p>22 Q. Okay. And is the home owned</p> <p>23 by you primarily --</p> <p>24 A. Correct.</p> <p>25 Q. -- or just you primarily?</p>
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<p>1 education.</p> <p>2 Q. Elementary education. And</p> <p>3 are you not a teacher now?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. Is it just because</p> <p>6 it's hard to find a job in teaching?</p> <p>7 A. No.</p> <p>8 Q. Why are you not a teacher?</p> <p>9 A. I am currently not a</p> <p>10 teacher.</p> <p>11 Q. And what do you do at the --</p> <p>12 what's it called, Dunlop?</p> <p>13 A. Fenner?</p> <p>14 Q. Fenner Dunlop. What exactly</p> <p>15 do you do at Fenner Dunlop.</p> <p>16 A. I'm a receiving supervisor.</p> <p>17 Q. Okay. And you're a manager?</p> <p>18 A. We call them supervisors/</p> <p>19 coordinators.</p> <p>20 Q. Okay. When did you go to</p> <p>21 college?</p> <p>22 A. I started off just part-time</p> <p>23 college at Firelands in Huron, Ohio.</p> <p>24 The dates I'm not 100 percent sure on.</p> <p>25 Q. Okay. The years, when did</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. And he lives there,</p> <p>3 as well?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. How many cars do you</p> <p>6 own?</p> <p>7 A. One.</p> <p>8 Q. Just one. Is that a</p> <p>9 Cadillac?</p> <p>10 A. No.</p> <p>11 Q. What do you own?</p> <p>12 A. A Hummer.</p> <p>13 Q. A Hummer. Have you ever</p> <p>14 owned Cadillac?</p> <p>15 A. Yes, I have.</p> <p>16 Q. And that was a 2003</p> <p>17 Cadillac?</p> <p>18 A. That's correct.</p> <p>19 Q. Have you ever been married</p> <p>20 before?</p> <p>21 A. No.</p> <p>22 Q. So you've -- this is your</p> <p>23 first dive into those waters, so to</p> <p>24 speak?</p> <p>25 A. That would be correct.</p>

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<p>1 Q. Okay. So obviously, you've 2 never been divorced? 3 A. No. 4 Q. Okay. Any children? 5 A. None. 6 Q. Just to learn a little bit 7 more about you, do you have any hobbies? 8 A. Work. 9 Q. Work. Nothing beyond work? 10 A. No. 11 Q. How much do you work per 12 week? 13 A. 40 plus hours. 14 Q. 40 plus hours? 15 A. Whatever it takes. 16 Q. Is it a salary job? 17 A. Yes. 18 Q. So beyond work, you don't do 19 much else? 20 A. That's correct. 21 Q. Except hang out with your 22 man to be? 23 A. That's correct. 24 Q. Okay. No interests that you 25 -- do you go out to restaurants, et</p>	<p>1 How would you describe your 2 present finances, good, moderate? 3 Do you have student loans that 4 you're paying? 5 A. Yes, I do. 6 Q. Okay. Do you have any 7 outstanding credit card balances that 8 you're paying off? 9 A. I may have. 10 Q. You may have? 11 A. Yeah. I have current credit 12 cards, if that's what you're asking. 13 Q. Sure. How many current 14 credit cards would you say you have? 15 A. Current? 16 Q. Yes. 17 A. One. 18 Q. Just one. And you try to 19 pay that off every month? 20 A. Um-hum. 21 Q. Yes? 22 A. Yes. I'm sorry. 23 Q. That's okay. And did we go 24 through your entire work history through 25 -- after college, where did you say you</p>
Page 15	Page 17
<p>1 cetera? 2 A. No. 3 Q. No. Okay. And you've 4 worked at your employment for four 5 years -- 6 A. Correct. 7 Q. -- four plus? Have you had 8 your present job there since then or has 9 there been promotions? 10 A. Promotions. 11 Q. Any demotions since you've 12 been there? 13 A. No. 14 Q. What did you start off as 15 there? 16 A. I started off as a shipping 17 clerk. 18 Q. As a shipping -- was that 19 basically working on the floor? 20 A. That's basically paperwork. 21 Just paperwork. 22 Q. Just paperwork. And through 23 there, you've moved up in stature -- 24 A. Correct. 25 Q. -- so to speak? Okay.</p>	<p>1 worked right after college? 2 A. This is -- I have had 3 several employments. So I did work at 4 Homes Casas in Fremont, Ohio. And then 5 I went to Central Soya, which I 6 mentioned earlier. 7 Q. Okay. And then where you 8 are currently now? 9 A. Correct. 10 Q. And have you lived in the 11 Ohio area your entire life? 12 A. Yes. 13 Q. Okay. What is your present 14 telephone number? 15 A. It is 419-202-5179. 16 Q. Just so you know, this won't 17 be public record or anything. 18 Have you ever lived at 129 1/2 19 Washington Street in Port Clinton? 20 A. Yes. 21 Q. When did you live there? 22 A. I do not know the dates. 23 Q. That's fine. That's all 24 right. 25 How long would you say you lived</p>

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<p>1 there, a year, two years, just a few 2 months? 3 A. Less than a year. 4 Q. Less than a year, that's 5 fine. What of the telephone number -- 6 does the telephone number 531-9998 ring 7 a bell to you? 8 A. Yes. 9 Q. Okay. Was that a home 10 telephone number? 11 A. That was my mother's phone 12 number. 13 Q. That was your mother's 14 telephone number, okay. How about the 15 number 734-5558, does that ring a bell? 16 A. I do not recall. 17 Q. Okay. When you move from 18 location to location as we do when we're 19 younger, I know I certainly have, do you 20 generally put a U.S. mail forwarding 21 order on or do you just -- how do you 22 make that work? 23 A. I don't recall what I've 24 done in the past, as far as that's 25 concerned.</p>	<p>1 or about April 17th, 2008, if you 2 remember? 3 A. I don't know the exact date. 4 Q. That's fine. When you 5 received this letter in the mail, what 6 did you do first or what was your 7 reaction to it? 8 A. I cried, I was very 9 disturbed, didn't know what it was all 10 about, read through it and completely 11 confused. 12 Q. Okay. Did you understand at 13 that point that you were being sued? 14 A. Yes. 15 Q. Okay. How soon after you 16 received this, and I understand you 17 received this on a Saturday? 18 A. That's correct. 19 Q. How soon after you received 20 this did you seek help from an attorney? 21 A. I don't know the exact date. 22 Q. Okay. Did you wait weeks, 23 was it fairly soon? 24 A. Fairly soon. 25 Q. Fairly soon. Did you</p>
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<p>1 Q. Okay. Andrea, I'm going to 2 hand the court reporter a document which 3 she'll mark as Plaintiff's Exhibit A. 4 - - - - - 5 (Thereupon, Plaintiff's 6 Deposition Exhibit-A 7 was marked for purposes 8 of identification.) 9 - - - - - 10 Q. Do you recognize that? I 11 know it's not a great copy, but do you 12 recognize what that is? 13 A. Yes. 14 Q. Okay. What is that exactly, 15 Exhibit A? 16 A. This is a certified letter 17 that I received in the mail. 18 Q. Okay. Did you receive a 19 letter or did you receive a card in the 20 mail that you had to go to the post 21 office and pick it up? 22 A. I received a card because I 23 was not home at the time when they 24 tried to deliver it. 25 Q. Okay. And did that occur on</p>	<p>1 attempt to call anybody from Midland 2 Funding to ask what this was all about? 3 A. That Saturday that I received 4 it, I tried calling Javitch. 5 Q. Okay. And they were closed? 6 A. No one answered. 7 Q. Or no one answered. Did you 8 try to call on Monday, the following 9 Monday? 10 A. No. 11 Q. So when you received this, 12 if I know this correctly, you knew 13 essentially that you were being sued for 14 something? 15 A. That's correct. 16 Q. And you didn't exactly know 17 what you were being sued for? 18 A. That's correct. 19 Q. Okay. Is there anything in 20 this first page that -- besides the fact 21 that you didn't know you were being -- 22 what you were being sued for, is there 23 anything on this first page that you 24 found confusing? 25 A. What do you mean by</p>

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<p>1 confusing?</p> <p>2 Q. Well, let's take it line by</p> <p>3 line. The first line, and just for the</p> <p>4 record, the first page of Exhibit A is</p> <p>5 the cover sheet provided by the Clerk of</p> <p>6 Courts. The first line says you've been</p> <p>7 named a defendant in a complaint filed</p> <p>8 in the above-named court by the above-</p> <p>9 named plaintiff.</p> <p>10 Did you understand what that was</p> <p>11 telling you?</p> <p>12 A. I did not know -- I</p> <p>13 understand when they say plaintiff. I</p> <p>14 did not know who Midland Funding was.</p> <p>15 Q. Okay. But you essentially</p> <p>16 knew that you were being sued by Midland</p> <p>17 Funding --</p> <p>18 A. Correct.</p> <p>19 Q. -- for some reason? Okay.</p> <p>20 Have you ever been sued before?</p> <p>21 A. No.</p> <p>22 Q. Okay. You are hereby</p> <p>23 summoned and required, and I'm looking</p> <p>24 at the next line, to serve upon the</p> <p>25 plaintiff's attorney, or if there is no</p>	<p>1 Rathbone outside of today?</p> <p>2 A. No.</p> <p>3 Q. Do you remember ever</p> <p>4 receiving a letter from Javitch, Block &</p> <p>5 Rathbone?</p> <p>6 A. No.</p> <p>7 Q. I'll ask the same questions</p> <p>8 about Midland Funding. Did you ever</p> <p>9 speak with anybody from Midland Funding?</p> <p>10 A. No.</p> <p>11 Q. Ever receive a letter from</p> <p>12 Midland Funding that you remember?</p> <p>13 A. No.</p> <p>14 Q. So nobody ever told you that</p> <p>15 this was not important to respond to</p> <p>16 from Javitch, Block & Rathbone?</p> <p>17 A. I'm sorry, say that again,</p> <p>18 please.</p> <p>19 Q. Sure. Did anybody from</p> <p>20 Javitch, Block & Rathbone ever tell you</p> <p>21 or imply that this was not important?</p> <p>22 A. No.</p> <p>23 Q. Okay. I'll ask the same</p> <p>24 about Midland Funding.</p> <p>25 Did anybody from Midland Funding</p>
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<p>1 attorney of record, a copy of your</p> <p>2 answer within 28 days after the service</p> <p>3 of the summons.</p> <p>4 Did anything in that -- did you</p> <p>5 know what to do when you saw that?</p> <p>6 A. My interpretation of that was</p> <p>7 that I needed to respond within 28 days.</p> <p>8 Q. And we'll go on to the next</p> <p>9 line. Failure to appear and present a</p> <p>10 defense will result in a judgment by</p> <p>11 default being rendered against you for</p> <p>12 the relief demanded in the complaint.</p> <p>13 Was it your understanding that if</p> <p>14 you did not -- what was your</p> <p>15 understanding of that, let me say?</p> <p>16 A. Basically, what it states</p> <p>17 here. If you do not respond within</p> <p>18 three days after this service of the</p> <p>19 copy of the answer on the plaintiff's</p> <p>20 attorney.</p> <p>21 Q. Sure. That they might enter</p> <p>22 judgment against you?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. Have you ever spoken</p> <p>25 with anybody from Javitch, Block &</p>	<p>1 ever imply or tell you that this was</p> <p>2 not important?</p> <p>3 A. No.</p> <p>4 Q. Okay. So when you saw this,</p> <p>5 you understood that for some reason you</p> <p>6 were being sued by a company called</p> <p>7 Midland Funding, correct?</p> <p>8 A. Yes.</p> <p>9 Q. But you really didn't know</p> <p>10 who Midland Funding was?</p> <p>11 A. That's correct.</p> <p>12 Q. Okay. And Javitch, Block &</p> <p>13 Rathbone, is this the first interaction</p> <p>14 you've had with Javitch, Block &</p> <p>15 Rathbone?</p> <p>16 A. This letter.</p> <p>17 Q. This letter was the first.</p> <p>18 Have you ever had any since, other than</p> <p>19 today?</p> <p>20 A. No.</p> <p>21 Q. Okay. I'm looking at the</p> <p>22 second page of Exhibit A. And you</p> <p>23 testified earlier that you never heard</p> <p>24 of Midland Funding, correct?</p> <p>25 A. That's correct.</p>

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<p>1 Q. Okay. Under there where it 2 says defendant and Andrea Brent, 3 defendant, that's your current address, 4 correct, the 3909 Donair Drive? 5 A. 3902. 6 Q. I'm sorry, 3902. And that 7 is your present address? 8 A. That's correct. 9 Q. And was that your current 10 address in April of 2008? 11 A. That's correct. 12 Q. Okay. Besides the fact that 13 you -- well, let's go through this line 14 by line, as well. 15 Plaintiff acquired, for valuable 16 consideration, all right, title and 17 interest in and to the claims set forth 18 below originally owed by defendant to 19 CitiBank USA. 20 It's my understanding that you 21 don't remember having a credit card with 22 CitiBank USA; is that correct? 23 A. To my knowledge, I've never 24 had a CitiBank USA. 25 Q. What kind of credit card do</p>	<p>1 When I read that I do not interpret it 2 that way. 3 Q. Okay. What do you interpret 4 it as? 5 A. I read it and that's the way 6 I take it, plaintiff acquired, for 7 valuable consideration, all right and 8 title. It does not state that Midland 9 owns. 10 Q. Is the rightful owner, maybe 11 I should -- if I got rid of that? 12 A. Yes. 13 Q. Okay. Have you ever had a 14 credit card go into default? 15 A. Yes. 16 Q. Okay. When abouts did that 17 happen? 18 A. I cannot recall the date. 19 Q. Okay. Might it have been in 20 2000? 21 A. I cannot recall the date. 22 Q. Okay. Where were you 23 working in the year 2000, do you 24 remember? I understand it was eight 25 years ago.</p>
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<p>1 you have now? 2 A. Lowe's. 3 Q. A Lowe's, as in the home 4 improvement store? 5 A. That's correct. 6 Q. Do you know if that credit 7 card is financed by another bank? 8 A. That I do not know. 9 Q. Okay. But you make your 10 checks out to Lowe's? 11 A. That is correct. 12 Q. Besides the fact that you 13 don't recall having a credit card with 14 CitiBank, is there anything in paragraph 15 1 that is confusing to you? 16 Do you understand what that is 17 alleging? 18 A. Yes. 19 Q. Okay. So it's your 20 understanding that plaintiff, being 21 Midland Funding, is asserting that it 22 now is the rightful owner of a credit 23 card debt originally owned by CitiBank; 24 is that your understanding? 25 A. You said rightful owner.</p>	<p>1 A. I honestly cannot answer 2 which employer I was at in 2000. 3 Q. Okay. Is it possible you 4 were still -- when you went to school, 5 were you part time or full time? 6 A. I was full time. 7 Q. Is it possible you were in 8 school in 2000? 9 A. Possible, yes. 10 Q. What year did you graduate 11 from college? 12 A. I did not graduate. 13 Q. Oh, you did not graduate. I 14 got you. Okay. Do you remember what 15 year you stopped going? 16 A. No. 17 Q. Paragraph No. 2, I'll ask 18 the same question, though you may not 19 agree with the allegation contained in 20 paragraph 2, is there anything about 21 paragraph 2 that you don't understand? 22 A. Restate your question. 23 Q. Sure. Do you understand the 24 allegation of paragraph 2? 25 A. Yes.</p>

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<p>1 Q. Okay. Does anything in here 2 besides the fact that you disagree with 3 the assertions, does anything in that 4 paragraph confuse you?</p> <p>5 A. It basically says a copy of 6 which is attached as Exhibit A, and as 7 you turn back to Exhibit A, I'm not 8 exactly sure why A is attached.</p> <p>9 Q. Okay. Can you explain that 10 further -- excuse me, you don't 11 understand why A was attached.</p> <p>12 Does that mean you were 13 unfamiliar with Exhibit A?</p> <p>14 A. Exhibit A -- yeah, I'm not 15 sure why it is attached. It doesn't 16 show me anything. I mean, I look at it 17 and I just see a series of pages.</p> <p>18 Q. Okay. So that it doesn't 19 look familiar to you?</p> <p>20 A. No, it does not.</p> <p>21 Q. Do you generally understand 22 the way a credit card works? Do you 23 want me to ask a different -- okay.</p> <p>24 Do you understand that your use 25 of a credit card binds you to paying it</p>	<p>1 on your present credit card with Lowe's, 2 you're not exactly sure who the 3 financing bank is; is that correct?</p> <p>4 A. That is correct.</p> <p>5 Q. Okay. And just to clarify, 6 you stated earlier that you've never 7 spoken with anybody from Midland, 8 Midland Credit Management or Javitch, 9 Block & Rathbone, prior to today?</p> <p>10 A. To my knowledge, that is 11 correct.</p> <p>12 Q. And to your knowledge, you 13 never received a letter either, correct?</p> <p>14 A. That is correct.</p> <p>15 Q. Okay.</p> <p>16 A. Can I take a five-minute 17 break?</p> <p>18 Q. Sure can. 19 (Recess taken.)</p> <p>20 Q. Have you ever heard of 21 statutory interest before?</p> <p>22 A. Can you rephrase that?</p> <p>23 Q. Sure. The term statutory 24 interest, is that a term that is 25 familiar to you?</p>
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<p>1 back?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Do you ever read at 4 the bottom of the -- you've used a 5 credit card before, correct?</p> <p>6 A. I stated earlier that I have 7 one, yes.</p> <p>8 Q. Okay. And when you use that 9 credit card, you're familiar they make 10 you sign a slip, correct, the merchant 11 prints out a slip and you sign the 12 slip, more or less?</p> <p>13 A. The merchant?</p> <p>14 Q. Where you're purchasing an 15 item, a good?</p> <p>16 A. Like a sales receipt?</p> <p>17 Q. Sure. Okay. So have you 18 ever seen the bottom of that slip where 19 it says, I agree to the terms and 20 conditions; did you ever read that?</p> <p>21 A. I have.</p> <p>22 Q. Okay. So you're aware that 23 there's language there?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And just to clarify,</p>	<p>1 A. No.</p> <p>2 Q. The term custodian of 3 records, does that term sound familiar 4 to you?</p> <p>5 A. I'm sorry, one more time.</p> <p>6 Q. Sure. The term custodian of 7 records?</p> <p>8 A. No.</p> <p>9 Q. We're done with that exhibit 10 for now.</p> <p>11 MR. KNIRSCH: Can you please mark 12 that as Exhibit B.</p> <p>13 - - - - -</p> <p>14 (Thereupon, Plaintiff's 15 Deposition Exhibit-B 16 was marked for purposes 17 of identification.)</p> <p>18 - - - - -</p> <p>19 Q. MS. Brent, does that look 20 familiar to you?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. What is that?</p> <p>23 A. Rephrase your question.</p> <p>24 Q. Sure. What's been marked in 25 Exhibit B, you said you know what that</p>

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<p>1 is.</p> <p>2 What exactly is that?</p> <p>3 A. This is something that I</p> <p>4 have seen with my attorney.</p> <p>5 Q. Okay. So prior to her</p> <p>6 filing this with the courts, she showed</p> <p>7 you this?</p> <p>8 A. That's correct.</p> <p>9 Q. Did she ask you to go</p> <p>10 through each -- strike that.</p> <p>11 Did you verify that each one of</p> <p>12 these paragraphs was accurate to the</p> <p>13 best of your knowledge?</p> <p>14 A. Yes, I did.</p> <p>15 Q. Okay. And just for the</p> <p>16 record, this is the answer that you</p> <p>17 filed, in response to the complaint, as</p> <p>18 well as a counterclaim and third-party</p> <p>19 complaint; is that an accurate</p> <p>20 description?</p> <p>21 A. One more time, please.</p> <p>22 Q. Sure. Just for the record,</p> <p>23 this is indeed the answer you filed, as</p> <p>24 well as the counterclaim that you filed</p> <p>25 against Midland Funding with the court</p>	<p>1 A. That is correct.</p> <p>2 Q. Okay. And this is the first</p> <p>3 time you had heard of Midland Funding as</p> <p>4 -- this is the first time you had heard</p> <p>5 of Midland Funding, correct?</p> <p>6 A. That is correct.</p> <p>7 Q. And the same with Midland</p> <p>8 Credit Management, this is the first</p> <p>9 time you heard of them, as well?</p> <p>10 A. Correct.</p> <p>11 Q. Does the term Verizon Calling</p> <p>12 Card Classic sound familiar to you?</p> <p>13 A. No, it does not.</p> <p>14 Q. Are you aware that we've</p> <p>15 subpoenaed CitiBank?</p> <p>16 A. Yes.</p> <p>17 Q. Assuming that CitiBank</p> <p>18 responds with a monthly statement sent</p> <p>19 to your address, would you be able to</p> <p>20 explain that?</p> <p>21 A. I'm sorry, assuming what?</p> <p>22 Q. Assuming that CitiBank USA</p> <p>23 responds to that subpoena with either</p> <p>24 one account statement or several, is</p> <p>25 there any way you could explain that?</p>
Page 35	Page 37
<p>1 in Sandusky?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Why did you sue</p> <p>4 Midland Funding, LLC?</p> <p>5 A. What are you asking?</p> <p>6 Q. I'm asking, what is it that</p> <p>7 you are alleging Midland Funding did</p> <p>8 wrong?</p> <p>9 A. To the best of my knowledge,</p> <p>10 I knew nothing about this prior to</p> <p>11 receiving the certified letter.</p> <p>12 Q. Okay. The same with -- I'll</p> <p>13 ask the same question about Midland</p> <p>14 Credit Management.</p> <p>15 What is it that you think Midland</p> <p>16 Credit Management did wrong?</p> <p>17 A. The same answer that I gave</p> <p>18 you before, I knew nothing prior to</p> <p>19 receiving this in the mail.</p> <p>20 Q. Okay. So you knew nothing</p> <p>21 of CitiBank USA or that -- let me back</p> <p>22 up.</p> <p>23 So it was your belief that you</p> <p>24 did not owe any money to CitiBank USA,</p> <p>25 correct?</p>	<p>1 A. I don't feel comfortable</p> <p>2 answering that question. I'm not</p> <p>3 exactly -- assuming anything.</p> <p>4 Q. Well, let's assume for the</p> <p>5 sake of argument that they do return</p> <p>6 something. Is there any way to explain</p> <p>7 -- might it be that you just forgot</p> <p>8 about this particular credit card; is</p> <p>9 that a possibility?</p> <p>10 MS. EVANS: Object to the form</p> <p>11 of that.</p> <p>12 MR. KNIRSCH: Is she going to</p> <p>13 answer?</p> <p>14 A. No.</p> <p>15 MR. KNIRSCH: Are you instructing</p> <p>16 her not to answer?</p> <p>17 MS. EVANS: No, I'm not.</p> <p>18 MR. KNIRSCH: Can you repeat that</p> <p>19 question, please.</p> <p>20 (Record read.)</p> <p>21 A. I'm not assuming anything.</p> <p>22 Q. Well, let's assume.</p> <p>23 A. I don't feel comfortable</p> <p>24 answering that question. I mean, I'm</p> <p>25 not comfortable answering or assuming</p>

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<p>1 anything at this point.</p> <p>2 MR. KNIRSCH: Can you instruct</p> <p>3 the witness to answer that the question?</p> <p>4 (Witness instructed by notary.)</p> <p>5 A. Repeat the question.</p> <p>6 MS. EVANS: Could you rephrase</p> <p>7 the question?</p> <p>8 Q. If CitiBank provides me with</p> <p>9 a single account statement regarding a</p> <p>10 Verizon Classic credit card, might that</p> <p>11 change your mind about the fact that</p> <p>12 this was never owed by you?</p> <p>13 A. I've never had a Verizon</p> <p>14 Classic credit card.</p> <p>15 Q. If CitiBank returns</p> <p>16 information regarding conversations</p> <p>17 you've had with CitiBank, would that</p> <p>18 change your belief that you never had a</p> <p>19 Verizon Classic credit card?</p> <p>20 A. I cannot accurately answer</p> <p>21 that question until information has been</p> <p>22 supplied.</p> <p>23 Q. Well, I'm asking</p> <p>24 hypothetically.</p> <p>25 A. You're going to have to</p>	<p>1 A. That is correct.</p> <p>2 Q. Okay. If you could please</p> <p>3 turn to page 3 of this exhibit. It</p> <p>4 says, Facts common to all counts, do you</p> <p>5 see where I'm looking?</p> <p>6 A. Yes.</p> <p>7 Q. Paragraph 4. Going from</p> <p>8 page 3 to page 4, it says, Upon</p> <p>9 information and belief, Midland is and</p> <p>10 has been a plaintiff in tens of</p> <p>11 thousands of debt collection lawsuits.</p> <p>12 Do you have any documents to</p> <p>13 prove that, by any chance?</p> <p>14 A. My attorney has pulled some</p> <p>15 cases here in Erie County.</p> <p>16 Q. Okay. Let's talk about</p> <p>17 paragraph 6 for a second on page 4.</p> <p>18 Upon learning, defendant, meaning you,</p> <p>19 upon learning that you had been sued for</p> <p>20 a debt you knew nothing about became</p> <p>21 extremely upset and distraught.</p> <p>22 Can you describe that? Can you</p> <p>23 describe your reaction to me a little</p> <p>24 bit?</p> <p>25 A. I received a letter on a</p>
Page 39	Page 41
<p>1 rephrase that.</p> <p>2 Q. Would you prefer I ask this</p> <p>3 question when I receive a response from</p> <p>4 CitiBank?</p> <p>5 A. Yes.</p> <p>6 MR. KNIRSCH: Can we continue</p> <p>7 this for a later time?</p> <p>8 MS. EVANS: Absolutely.</p> <p>9 MR. KNIRSCH: For the record,</p> <p>10 we'll continue this for a later time.</p> <p>11 But I would like to go forward and get</p> <p>12 as much done today.</p> <p>13 MS. EVANS: Sure.</p> <p>14 MR. KNIRSCH: Can we go off the</p> <p>15 record real quick?</p> <p>16 (Discussion had off the record.)</p> <p>17 MR. KNIRSCH: Just for the</p> <p>18 record, I will be continuing this</p> <p>19 deposition to a later date for purposes</p> <p>20 of discovery, regarding damages and</p> <p>21 class certification.</p> <p>22 Q. Okay. So just for the</p> <p>23 record, at this time you do not have</p> <p>24 any recollection of a Verizon Calling</p> <p>25 Classic Card?</p>	<p>1 Saturday and picked it up Saturday and</p> <p>2 saw that I was being sued, didn't know</p> <p>3 what I was being sued for. Very</p> <p>4 upsetting. Like I said, I tried to</p> <p>5 call Javitch that day, and being a</p> <p>6 Saturday, I just thought I'd try. And</p> <p>7 it was on a Saturday, couldn't get a</p> <p>8 hold of anybody to even discuss what I</p> <p>9 had received in the mail.</p> <p>10 Q. Okay. And you said soon</p> <p>11 thereafter, and you can correct me if</p> <p>12 I'm wrong, soon thereafter you sought</p> <p>13 the assistance of counsel?</p> <p>14 A. Yes.</p> <p>15 Q. Did that quell your concerns</p> <p>16 at all?</p> <p>17 A. Rephrase.</p> <p>18 Q. Did that -- you said you</p> <p>19 were upset and distraught.</p> <p>20 Did speaking with an attorney</p> <p>21 lessen that level of being upset and</p> <p>22 distraught?</p> <p>23 A. It helped.</p> <p>24 Q. Okay. And you said you</p> <p>25 cried a little bit when you got the</p>

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<p>1 letter, correct?</p> <p>2 A. That's correct.</p> <p>3 Q. Okay. Did you throw up at</p> <p>4 all?</p> <p>5 A. No, I did not.</p> <p>6 Q. Okay. Upset stomach?</p> <p>7 A. Yes.</p> <p>8 Q. Anything like that?</p> <p>9 A. Yes.</p> <p>10 Q. Upset stomach, okay. Any</p> <p>11 other physical manifestations that you</p> <p>12 are --</p> <p>13 A. Constantly thinking about it.</p> <p>14 Q. Okay. Where are you today</p> <p>15 on that? Is it the same? Is it less?</p> <p>16 A. It's the same.</p> <p>17 Q. Same. Has your level of</p> <p>18 social activity changed between --</p> <p>19 before this happened and after?</p> <p>20 A. It's very stressful.</p> <p>21 Q. Okay. Have you gone out</p> <p>22 less with friends because of it?</p> <p>23 A. I don't go out much anyway.</p> <p>24 Q. Okay. Did you go out much</p> <p>25 before this happened?</p>	<p>1 I'm sorry, the next page, paragraph 17,</p> <p>2 if you could.</p> <p>3 Now, you allege that MCM and</p> <p>4 Midland have no intention to pursue the</p> <p>5 claims if challenged, voluntarily</p> <p>6 dismissing the suits, or failing to</p> <p>7 appear.</p> <p>8 Where did that come from?</p> <p>9 A. My attorney had pulled cases</p> <p>10 within Erie County.</p> <p>11 Q. And you said you're still --</p> <p>12 you're still experiencing an upset</p> <p>13 stomach, things of that nature to this</p> <p>14 day; is that correct?</p> <p>15 A. I do.</p> <p>16 Q. Okay. If this lawsuit ended</p> <p>17 today, would that quell any of those</p> <p>18 stomach issues, et cetera?</p> <p>19 A. It would relieve a lot.</p> <p>20 Q. Okay. Is there a specific</p> <p>21 dollar amount you're looking for to end</p> <p>22 this?</p> <p>23 A. I object to that question.</p> <p>24 MS. EVANS: You can answer the</p> <p>25 question. Yes or no.</p>
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<p>1 A. No, I did not.</p> <p>2 Q. Okay. Are you -- well, let</p> <p>3 me back up.</p> <p>4 You said you own a home at</p> <p>5 present. Are you able to keep up on</p> <p>6 house chores?</p> <p>7 A. Yes.</p> <p>8 Q. So mowing the lawn, all that</p> <p>9 stuff, that doesn't create a problem?</p> <p>10 A. No.</p> <p>11 MS. EVANS: Can we take a quick</p> <p>12 break?</p> <p>13 MR. KNIRSCH: Sure.</p> <p>14 (Recess taken.)</p> <p>15 Q. Have you ever lived in South</p> <p>16 Dakota?</p> <p>17 A. I have not.</p> <p>18 Q. Any friends or family that</p> <p>19 live in South Dakota?</p> <p>20 A. No.</p> <p>21 Q. Business contacts in South</p> <p>22 Dakota?</p> <p>23 A. No, not that I know of.</p> <p>24 Q. If you could please look at</p> <p>25 page 5 of this exhibit, paragraph 16.</p>	<p>1 A. Yes. A specific?</p> <p>2 Q. What would that be?</p> <p>3 A. I don't -- I don't have a</p> <p>4 specific dollar amount.</p> <p>5 Q. Okay. Any range?</p> <p>6 A. I don't feel I can answer</p> <p>7 that at this time.</p> <p>8 Q. If you could turn, please,</p> <p>9 to page 8, it starts with paragraph 30</p> <p>10 and I believe we're still on Exhibit B.</p> <p>11 Have you ever heard of the Fair</p> <p>12 Debt Collection Practices Act, prior to</p> <p>13 this case?</p> <p>14 A. No.</p> <p>15 Q. Okay. I just have a series</p> <p>16 of questions about Fair Debt. I might</p> <p>17 have asked these before, but I need to</p> <p>18 go through them real quick again.</p> <p>19 Has anybody from Midland Credit</p> <p>20 Management, Midland Funding or Javitch,</p> <p>21 Block & Rathbone told you that the</p> <p>22 complaint filed against you was not</p> <p>23 important?</p> <p>24 A. No.</p> <p>25 Q. Did any one of those three</p>

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<p>1 entities that I asked -- referred to 2 before imply that they were from a 3 government agency? 4 A. Repeat the question. 5 Q. Sure. Did Midland Credit 6 Management, Midland Funding or Javitch, 7 Block & Rathbone ever imply that they 8 were a government agency? 9 A. Not to my knowledge. 10 Q. Did either one of those 11 three entities ever imply or suggest 12 that the complaint was not a legal 13 process? 14 A. Not to my knowledge. 15 Q. Okay. Did either one of 16 those three entities ever threaten to 17 report this on your credit report? 18 A. Not to my knowledge. 19 Q. Did either one of them ever 20 threaten criminal action against you, if 21 you fail to pay this debt? 22 A. Isn't this what this is? 23 Q. Are you referring to the -- 24 A. What I received in the mail. 25 Q. Criminal action?</p>	<p>1 Q. The term innocent purchaser 2 of value, do you know what that is? 3 A. I do not. 4 Q. Okay. Prior to receiving 5 this complaint, I'm referring to the 6 complaint, Exhibit A filed against you 7 by Javitch, Block, you said you were -- 8 well, let me back up. 9 You said that upon receiving that 10 complaint, it made you nervous, perhaps 11 fearful; is that correct? 12 A. Fearful? 13 Q. Why don't you -- 14 A. I don't think I ever said 15 fearful. 16 Q. Okay. What would you say 17 your general emotions were about it? 18 A. I was stressed. I was 19 upset. Physically upset, mentally 20 upset, stressed. It's all I thought 21 about. Distraught. 22 Q. Okay. Were you experiencing 23 any of those emotions, prior to feeling 24 or prior to receiving that letter from 25 Javitch, Block?</p>
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<p>1 A. Elaborate. 2 Q. Sure. Do you know the 3 difference between a criminal lawsuit 4 and a civil lawsuit? 5 A. Yes. 6 Q. Okay. Do you think that 7 Exhibit A was a criminal action or a 8 civil action? 9 A. Civil. It states that here. 10 Q. Okay. Did anybody say -- 11 did any one of those three entities, 12 again, referring to Midland Credit 13 Management, Midland Funding or Javitch, 14 Block & Rathbone imply or state that 15 failure to pay this debt was a crime? 16 A. No. 17 Q. Have you ever received phone 18 calls from these people? 19 A. Not to my knowledge, no. 20 Q. Do you know what a holder in 21 due course is? 22 A. I do not. 23 Q. Do you know what an innocent 24 purchaser of value is? 25 A. Repeat that.</p>	<p>1 A. Not before I got the letter. 2 Q. Okay. And you say it 3 continues to this day? 4 A. It does. 5 Q. Just for my clarification, 6 were you able to go to work that next 7 Monday? 8 A. Yes. 9 Q. Okay. Have you ever been 10 spoken to by any employer that, you 11 know, your work product recently has 12 been less than par? 13 A. No. 14 Q. Any increased arguments with 15 your fiancé, anything like that? 16 A. No. 17 Q. Okay. But clearly, you're 18 distraught about this current action? 19 A. Upset. 20 Q. Upset, okay. I think I'm 21 done with that for now. 22 MR. KNIRSCH: If you could mark 23 that please. 24 - - - - - 25 (Thereupon, Plaintiff's</p>

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<p>1 Deposition Exhibit-C 2 was marked for purposes 3 of identification.) 4 - - - - - 5 Q. Andrea, this has been marked 6 as Exhibit C. Do you recognize this? 7 A. I don't recall this. 8 Q. Okay. Just for the record, 9 these Federal Rules are fairly 10 complicated and they require this, and 11 this is called a Rule 26 Initial 12 Disclosure and that's just for the 13 record. 14 On the second page of what's been 15 marked as Exhibit C, it has, John. Is 16 that the same John we were talking about 17 before? 18 A. That's correct. 19 Q. Okay. This category talks 20 about people likely to have information 21 related to this case. 22 What exactly, well, not exactly 23 because obviously, you can't say 24 exactly, but what information generally 25 do you think John has that you can't</p>	<p>1 A. Yes. 2 Q. How many would you estimate 3 or, if you know, how many have you 4 missed? 5 A. I would estimate five. 6 Q. And is that on account of 7 what, meeting with your attorney? 8 A. Correct. 9 Q. Anything else besides that? 10 A. No. 11 Q. Okay. So you've missed 12 work. 13 Were you docked any pay, do you 14 know, by missing work? 15 A. I missed work. I have to 16 take -- you don't get paid if I'm not 17 there. I have to take alternative days. 18 Q. Like sick days -- 19 A. Yep. 20 Q. -- personal days, things like 21 that? 22 A. Correct. 23 Q. Okay. How many of those do 24 you get at work, like personal days, 25 sick days?</p>
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<p>1 provide me today? 2 A. He was there the day that I 3 received the certified letter. 4 Q. And he might be able to talk 5 about how you reacted and things such as 6 that, what you did -- 7 A. That's correct. 8 Q. -- when you received it? 9 And then paragraph C, do you have 10 any out-of-pocket expenses from this 11 lawsuit? 12 A. Telephone calls. Yes, I do. 13 Q. Okay. Such as telephone 14 calls, anything else? 15 A. Missed work. 16 Q. How many days do you think 17 you've missed work? 18 Would like today be one day that 19 you're missing work? 20 A. Um-hum. 21 MS. EVANS: Yes? 22 A. Yes. I'm sorry. 23 Q. You caught me, sorry. I 24 missed that, too. 25 Any other days besides today?</p>	<p>1 A. I actually don't have 2 personal days. I have vacation days. 3 Q. Okay. How many of those do 4 you get a year? 5 A. 14, I'm sorry, 10 days, two 6 weeks. 7 Q. Two weeks? 8 A. Two weeks, sorry. 9 Q. Ten working days? 10 A. Correct. 11 Q. Okay. And I'll ask the same 12 about sick days. You get sick days, as 13 well? 14 A. Yes. 15 Q. How many of those do you 16 get? 17 A. That I'm not sure about. 18 Q. Okay. That would be 19 something your boss would know? 20 A. I don't know that there's 21 necessarily a limit. I don't know. 22 Q. Okay. But you've taken 23 vacation days -- 24 A. Yes. 25 Q. -- because of this? And</p>

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<p>1 approximately five?</p> <p>2 A. Yes.</p> <p>3 Q. And you said anything beyond</p> <p>4 ten vacation days, excluding sick days,</p> <p>5 okay. If you take let's say 11</p> <p>6 vacation days, they'll dock you a pay</p> <p>7 for that 11th day?</p> <p>8 A. You don't get paid.</p> <p>9 Q. Okay. Do you know if that's</p> <p>10 happened to you? Have you exceeded that</p> <p>11 11 day?</p> <p>12 A. No, it has not.</p> <p>13 Q. Okay. Is that by calendar</p> <p>14 year or is it just --</p> <p>15 A. It's calendar year.</p> <p>16 Q. Okay. And will that more or</p> <p>17 less recycle at the end of this -- let</p> <p>18 me just ask what I'm trying to ask.</p> <p>19 I'm trying to ask if there's a</p> <p>20 likelihood that you're going to encroach</p> <p>21 that 11th day, if you might go past the</p> <p>22 ten-day working day allowance, vacation</p> <p>23 day allowance?</p> <p>24 Do you understand what I'm</p> <p>25 asking?</p>	<p>1 Q. Okay. Do you have an</p> <p>2 agreement between you and her?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Do you know if you're</p> <p>5 getting billed for -- is she sending</p> <p>6 bills for work done?</p> <p>7 A. No.</p> <p>8 Q. Okay. I'm done with that</p> <p>9 one for the time being.</p> <p>10 MR. KNIRSCH: Off the record real</p> <p>11 quick.</p> <p>12 (Discussion had off the record.)</p> <p>13 - - - - -</p> <p>14 (Thereupon, Plaintiff's</p> <p>15 Deposition Exhibit-D</p> <p>16 was marked for purposes</p> <p>17 of identification.)</p> <p>18 - - - - -</p> <p>19 Q. Ms. Brent, does this look</p> <p>20 familiar, this document which has been</p> <p>21 marked as Exhibit D?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And just for the</p> <p>24 record, back on page 9 of this document,</p> <p>25 that's your signature above your name,</p>
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<p>1 A. What was your original</p> <p>2 question?</p> <p>3 Q. Sure. Let me ask this.</p> <p>4 How many days have you taken,</p> <p>5 vacation days this calendar year, do you</p> <p>6 know?</p> <p>7 A. I know that I have three</p> <p>8 days left.</p> <p>9 Q. You have three days left,</p> <p>10 okay. And when does that start over?</p> <p>11 A. At the first of next year,</p> <p>12 January 1st.</p> <p>13 Q. January 1st, okay. Perfect.</p> <p>14 That's what I was trying to find out.</p> <p>15 Besides missed days, is there</p> <p>16 anything else you've -- I just realized</p> <p>17 I'm getting into damages.</p> <p>18 Besides working days, is there</p> <p>19 any other expenses you've incurred?</p> <p>20 A. Telephone calls.</p> <p>21 Q. Okay.</p> <p>22 A. Mileage here.</p> <p>23 Q. Sure. Have you paid your</p> <p>24 attorney a retainer?</p> <p>25 A. No.</p>	<p>1 Andrea Brent?</p> <p>2 A. That's correct.</p> <p>3 Q. Okay. And you said earlier</p> <p>4 that that is still your address, 3902</p> <p>5 Donair, correct?</p> <p>6 A. Correct.</p> <p>7 Q. And that's your Social</p> <p>8 Security number and date of birth?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. The second question</p> <p>11 refers to, you know, people who might</p> <p>12 have information about this case. We've</p> <p>13 mentioned the gentleman we've called</p> <p>14 John earlier.</p> <p>15 Is there anybody else besides</p> <p>16 that, as you sit here today, that might</p> <p>17 have information about this case?</p> <p>18 A. No.</p> <p>19 Q. Okay. And you said you've</p> <p>20 never been sued before, is that correct?</p> <p>21 A. That's correct.</p> <p>22 Q. Okay. I'm going to look at</p> <p>23 paragraph 6 or what's been marked as No.</p> <p>24 6 on page 2 of Exhibit D. Okay. We've</p> <p>25 already talked about much of this, so</p>

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<p>1 I'm not going to belabor the point, but 2 eventually -- basically, it says that 3 you didn't remember or recall any 4 CitiBank credit card debt, correct? 5 A. That's correct. 6 Q. Okay. And that caused you 7 worry and concern which manifested 8 itself in making you sick to your 9 stomach, crying on occasion, correct? 10 A. That's correct. 11 Q. Okay. And nothing else 12 other than that that you can think of? 13 Did you lose sleep? 14 A. Yes, I did. 15 Q. Okay. Loss of appetite? 16 A. Yes. 17 Q. And it says you were 18 prescribed a medication to help you 19 sleep; is that correct? 20 A. That's correct. 21 Q. Okay. Do you remember what 22 that was that they gave you? 23 A. Ambien. 24 Q. Ambien. Okay. What were 25 you worried about that might happen to</p>	<p>1 Ambien for loss of sleep and anything 2 for the depression? 3 A. Yes. 4 Q. What was that? 5 A. I cannot pronounce it. 6 Q. Okay. Is it on those -- 7 we'll get to that. We'll get to that. 8 Are you on those medications 9 still? 10 A. Yes. 11 Q. And that's basically because 12 of having to do things like appear here 13 today; is that correct? 14 A. Rephrase your question. 15 Q. Sure. You said these are 16 ongoing, this stress is ongoing, 17 correct? Okay. Yes? 18 A. Yes. 19 Q. And that all revolves around 20 this pending litigation? 21 A. I'm sorry, all? 22 Q. Sure. The stress here 23 you're feeling at the present, these 24 other feelings that you're having, 25 nausea, et cetera, all that is caused by</p>
Page 59	Page 61
<p>1 you financially? 2 A. I wasn't sure exactly what 3 was going to happen, so everything. 4 Q. Have you ever had your wages 5 garnished before? 6 A. I have not. 7 Q. I'll just ask, has your bank 8 attached, have you ever had that happen 9 before? 10 A. I'm sorry. 11 Q. Do you know what a bank 12 attachment is? 13 A. I do not. 14 Q. Okay. Then you probably 15 don't know -- you've probably never had 16 one happen to you before, if you don't 17 know what one is. 18 How soon after this happened did 19 you go see a physician, do you remember? 20 A. I don't remember the exact 21 date. 22 Q. Okay. Days, weeks, months? 23 A. I would say maybe possibly a 24 couple weeks. 25 Q. Okay. So he prescribed you</p>	<p>1 the ongoing litigation? 2 A. I do not like the question. 3 All? All of? 4 Q. Sure. Let me back up. You 5 state that you're still feeling a 6 certain sense of -- I think you used a 7 great word before. You're presently 8 distraught and you're still experiencing 9 that today? 10 A. I do. 11 Q. And that is caused by what 12 exactly? 13 A. It contributes this here. 14 Q. Like appearing today 15 contributes? 16 A. Yes. 17 Q. Is anything else going on in 18 your life which might be causing this -- 19 these feelings? 20 A. No. 21 Q. No. Do you know what a 22 statute of limitations is? 23 A. I've heard the term. 24 Q. Okay. Where have you heard 25 that term?</p>

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<p>1 A. My attorney. 2 Q. Okay. And it relates to 3 this ongoing action, is that the 4 circumstance in which you heard this 5 term, in this litigation? 6 A. Yes. 7 Q. Okay. I'm going to put 8 those down for now. 9 - - - - - 10 (Thereupon, Plaintiff's 11 Deposition Exhibit-E 12 was marked for purposes 13 of identification.) 14 - - - - - 15 Q. Just for the record, this is 16 your responses to our Request for 17 Admissions that you provided me; and 18 again, for the record, page 6 of this 19 document, is that indeed your signature? 20 A. Yes. 21 Q. Okay. For the record, as we 22 sit here today, you don't recall having 23 a CitiBank USA credit card with the 24 account No. 4223980032739001? 25 A. That's correct.</p>	<p>1 A. No. 2 Q. Okay. I'm done with that. 3 - - - - - 4 (Thereupon, Plaintiff's 5 Deposition Exhibit-F 6 was marked for purposes 7 of identification.) 8 - - - - - 9 Q. Ms. Brent, have you ever 10 seen this document before? 11 A. Yes. 12 Q. Okay. By your attorney, I 13 imagine? 14 A. Yes. 15 Q. Okay. Have you ever 16 received any other medical bills since 17 providing the ones attached to this to 18 the -- let me back up. 19 There's a few documents attached 20 to the very end. I count one, two, 21 three, four pages. Other than those 22 four pages, have you received anything 23 else regarding medical bills, medical 24 expenses, anything like that? 25 A. No.</p>
Page 63	Page 65
<p>1 Q. Okay. Do you keep copies of 2 like bank account statements like in a 3 drawer anywhere? 4 A. No. 5 Q. So you get them, review them 6 and sort of toss them, is that a fair 7 -- how long do you keep them, if you do 8 keep them at all? 9 A. I usually don't. 10 Q. Okay. So if I were to ask 11 you for bank records from 2000, you 12 probably wouldn't have any? 13 A. That's correct. 14 Q. Okay. Does your present 15 Lowe's credit card have interest 16 accruing on it? 17 A. Yes. 18 Q. Okay. And you said you try 19 to pay that every -- I mean, you do pay 20 that every month? 21 A. That is correct. 22 Q. If you could turn to page 5 23 of this. Because of this lawsuit filed 24 against you, did you ever feel that your 25 safety was in peril?</p>	<p>1 Q. No. So these four are it, 2 as of today? 3 A. As of today. 4 Q. Okay. Does that mean you're 5 expecting more in the future? 6 A. I do not know. 7 Q. Okay. You stated earlier 8 that you were concerned with how this 9 might -- this lawsuit I'm referring to 10 that was filed against you by Midland, 11 might affect you financially, correct? 12 A. Yes. 13 Q. Okay. Do you and your 14 fiancée share checking accounts? 15 A. No. 16 Q. Does he also have a car? 17 A. Yes. 18 Q. What kind of car does he 19 have? 20 A. A Ford, Mercury Tracer 21 station wagon. 22 Q. Station wagon, okay. Does 23 he have children? 24 A. Yes. 25 Q. Okay. It was obvious, after</p>

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<p>1 you said station wagon. 2 Would you say it's difficult -- 3 let me rephrase. 4 How would you generally describe 5 your finances at this point, good, 6 moderate, tight, can you quantify? 7 A. What is the relevance of the 8 question? What are you asking exactly? 9 I mean, could you rephrase that? 10 Q. Sure. You described earlier 11 your worry about how this might affect 12 your finances and I'm trying to get a 13 better understanding of how this would 14 affect your finances. 15 So the question, generally 16 speaking, is how would you rate your 17 finances? 18 A. I think that's very vague, 19 how do I rate? I don't know what 20 you're looking for. 21 Q. When you pay off your Lowe's 22 credit card, was that generally to a 23 zero balance? 24 A. No. 25 Q. So there's something left</p>	<p>1 you're going to pay your bills next 2 month? 3 A. We all do. 4 Q. So generally speaking? 5 A. Everybody does. 6 Q. So nothing out of the 7 ordinary, would you say? 8 A. We all have worries. 9 Q. Okay. Is your fiance 10 employed? 11 A. Yes. 12 Q. Okay. Full time? 13 A. Yes. 14 Q. Okay. Do you receive any 15 money outside of your job and his job 16 from friends, family? 17 A. Do not. 18 Q. Do not. 19 A. Five-minute break? 20 Q. Sure. 21 (Recess taken.) 22 Q. Now, the doctor you went to 23 go see, was that your general physician? 24 A. No. 25 Q. You went to go see a</p>
Page 67	Page 69
<p>1 afterwards? 2 A. Um-hum, yes. 3 Q. How much would you say is 4 currently on there now? 5 A. 400. 6 Q. Oh, okay. You have a 7 mortgage? 8 A. Yes. 9 Q. Do you find it difficult to 10 pay that or is that pretty easy for you 11 to pay? 12 A. I pay my mortgage. 13 Q. Have you ever been late? 14 A. No. 15 Q. Okay. I'll ask the same 16 with your car payment. Have you ever 17 been late with your car payment? 18 A. No. 19 Q. So generally speaking, it 20 sounds like your finances are pretty 21 good. You're comfortable with -- do you 22 have worry about money, let me ask? 23 A. That's very vague, I mean, 24 that's very general. 25 Q. Do you worry about how</p>	<p>1 psychiatrist? 2 A. No. 3 Q. Who did you go -- is that 4 Dr. Hanna, is that who you went to go 5 see? 6 A. Yes, a neurologist. 7 Q. A neurologist. And where is 8 he located? 9 A. Cleveland MetroHealth. 10 Q. Excuse my ignorance, is 11 MetroHealth like Cleveland Clinic or 12 MetroHealth is something other than -- 13 A. They may be affiliated with, 14 I'm not sure. 15 Q. Okay. And he's the one that 16 prescribes you, I believe the name of it 17 was Ambien, and he also prescribed you 18 something else, as well? 19 A. My family physician 20 prescribed me with the Ambien. Dr. 21 Hanna did not. 22 Q. Did Dr. Hanna prescribe you 23 with anything? 24 A. Yes. 25 Q. Okay. You're looking at</p>

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<p>1 documents, they're on there. Are you 2 looking at the first page, after the 3 signature page, at the top it says 4 Discount Drug Mart? 5 A. Yes. 6 Q. Okay. Did he prescribe you 7 one of those -- 8 A. Yes. 9 Q. -- drugs, which? 10 A. Amitriptyline. 11 Q. Amitriptyline. Is that the 12 one you referred to before which you 13 said you couldn't remember or pronounce? 14 A. That's correct. 15 Q. And just for the record, 16 that is the one on this page spelled 17 A M I T R I P T Y L I N E, is that the 18 one you're referring to? 19 A. Correct. 20 Q. Okay. And Dr. Hanna 21 prescribed you that? 22 A. Correct. 23 Q. Is there any other one that 24 he prescribed you? 25 A. Yes. The Butalbital.</p>	<p>1 It could be caused by the weather. It 2 could be caused by your cycle. It's a 3 variety of things. Could be caused by 4 stress, the amount of stress you're 5 under. It's a variety of different 6 things. 7 Q. You've had this for a long 8 time, migraines in general? 9 A. For a long time? 10 Q. Well, how long have you been 11 suffering from migraines? 12 A. Technically termed with 13 migraines in July, approximately. 14 Q. Okay. So those are the 15 first time you had the migraines? 16 A. I didn't -- they didn't know 17 what it was prior to. 18 Q. Oh, okay. So that's why you 19 went to go see Dr. Hanna was for -- 20 A. I was referred to him. 21 Q. Okay. And you were referred 22 to him by your general practitioner? 23 A. Correct. 24 Q. And who is your general 25 practitioner?</p>
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<p>1 Q. Butalbital. And there 2 appears to be six of those, spelled 3 B U T A L B I T A L. 4 Is that the one you're referring 5 to? 6 A. That's correct. 7 Q. There's his name next to it, 8 Joseph Hanna. 9 Are any of those other drugs on 10 this document prescribed to you, as a 11 result of this litigation? I understand 12 some of these are antihistamines and I 13 assume you have allergies? 14 A. Migraines. 15 Q. Migraines. Talk to me about 16 your migraines. 17 What is that caused by? Is that 18 a chronic issue? 19 A. It's caused by a variety of 20 factors. 21 Q. What are some of those 22 factors? 23 A. Some things you can't 24 explain. It could be a history. It 25 could be -- it can run in your family.</p>	<p>1 A. Dr. Rowe. 2 Q. Dr. Rowe. And looking at 3 that, that's Thomas Rowe? 4 A. That's correct. 5 Q. He's referred to here, as 6 well. And these other ones are 7 allergens, antihistamines? 8 A. No. The Relpax is for 9 migraines. 10 Q. But just to be clear, these, 11 as you know them now to be migraines, 12 how long have you been suffering from 13 those symptoms, major headaches, I 14 believe it's associated with nausea, as 15 well? 16 A. Sometimes it can lead to 17 that. 18 Q. Okay. How long has that 19 been going on, since you were little? 20 A. No. 21 Q. Okay. 22 A. Just recently. Like I said, 23 initially they did not know. I would 24 say February of '08. 25 Q. Okay. So you went to see</p>

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<p>1 your practitioner, they didn't really 2 know what it was and they sent you to 3 Dr. Hanna to -- I believe he did a CT 4 scan? 5 A. I had gotten a CT scan prior 6 to Dr. Hanna and then had another one. 7 Q. Okay. So the Butalbital and 8 the Relpax are both associated with 9 migraines? 10 A. Correct. 11 Q. Are there any medications on 12 here, as well, that you would associate 13 with this litigation? How about the 14 Meclizine? 15 A. No. The Cyproheptadine helps 16 the migraines. 17 Q. Okay. That helps migraines, 18 as well. I don't see Ambien in here. 19 A. That was prescribed to me 20 before, which was an ongoing refill type 21 deal. 22 Q. Oh, refill, okay. What does 23 Ambien do, again? Is that a sleep 24 aide? 25 A. Help sleep. The</p>	<p>1 allergies and I was prescribed that. 2 Q. Do they know now what's 3 causing your migraines? 4 A. The migraines? 5 Q. That's a condition? 6 A. It's a condition. 7 Q. Okay. I did not know that. 8 Is that still ongoing or are 9 these medications doing what they're 10 supposed to do? 11 A. It's ongoing. 12 Q. Okay. And like you said, 13 they manifest themselves, based on a 14 variety of factors? 15 A. That's correct. 16 Q. Stress, weather, et cetera? 17 A. Your body chemistry, it's a 18 variety of things and I'm not a doctor 19 so -- 20 Q. No, I understand, I 21 understand. 22 A. Okay. 23 Q. Okay. If you could look at 24 the following page from MetroHealth 25 System, is this the office visit you're</p>
Page 75	Page 77
<p>1 Amitriptyline also helps the sleep. 2 Q. Okay. And how long have you 3 been suffering from sleeplessness? 4 A. I think I said right around 5 February of '08. 6 Q. February of '08. Do you 7 know what's causing that? Is that the 8 same as the migraines or is it -- 9 A. It's a variety of different 10 things. 11 Q. Okay. Such as? 12 A. Stress, primarily stress with 13 the not being able to sleep. 14 Q. Okay. And you said that's 15 been going on since about February of 16 '08? 17 A. That's correct. 18 Q. Do you know what the Avelox 19 is? 20 A. Avelox. 21 Q. Avelox? 22 A. Initially, they tried a 23 variety of things. So I believe the 24 Avelox, to the best of my knowledge, 25 they initially thought that it was</p>	<p>1 talking about with Dr. Hanna? 2 A. Yes. 3 Q. Okay. Do you know what that 4 high seve -- I'm looking at the center 5 under description, office consultation, 6 I imagine, high S E V E star, do you 7 know what that is referring to, by any 8 chance? 9 A. I do not. 10 Q. Do you have health insurance? 11 A. Yes. 12 Q. Okay. Did health insurance 13 pay for any of this? Let me back up. 14 Some health insurance, you only 15 pay a co-pay and then they cover the 16 rest of it. Others you pay and then 17 they pay you back. 18 A. No. Mine does not work that 19 way. 20 Q. How does your work? 21 A. Basically, you go to your 22 appointment, they submit to your 23 insurance company at that time, and then 24 you receive a bill for whatever your 25 insurance will not cover at that time.</p>

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<p>1 Q. Okay. Is that what happened 2 here? 3 A. Yes. 4 Q. So they said you are 5 responsible for basically the entire 6 amount, 435? 7 THE COURT REPORTER: Please 8 answer out loud. 9 A. I'm sorry. Yes. 10 Q. I missed that, as well. Did 11 they say why, by any chance, that they 12 wouldn't cover this? 13 A. No. 14 Q. Is your insurance through 15 your employer? 16 A. Correct. 17 Q. I want to look at the next 18 page where it says, Precision Radiology 19 Inc. at the top, P.O. Box 74289, 20 Cleveland, Ohio. 21 Do you see where I'm looking at? 22 A. Um-hum. 23 Q. Okay. Do you remember what 24 that was? 25 A. Um-hum, that was the CT.</p>	<p>1 it an attack, but were there any of 2 those factors we discussed before which 3 brought this one about? 4 A. What factors did we discuss 5 before? 6 Q. Like stress, weather, cycles, 7 et cetera. 8 A. It's not known. It just 9 happens and you're not -- you don't know 10 why. 11 Q. I guess I'm asking, did 12 anything out of the ordinary happen 13 right before this occurred? 14 A. No. 15 Q. Okay. So like no traumatic 16 event, nothing along those lines? 17 A. Not to my knowledge, no. 18 Q. Okay. And to your 19 knowledge, are these the only 20 prescriptions you've had filled since -- 21 well, between what would that be, April 22 of 2008 and September of 2008? 23 A. Yes. 24 Q. Okay. So there wouldn't be 25 anything other than this?</p>
Page 79	Page 81
<p>1 Q. Okay. And is this still the 2 ongoing problem with what we now know as 3 migraines? 4 A. That's correct. 5 Q. Okay. And if I understand, 6 that's just a CT scan of your head? 7 A. This one, yes. 8 Q. Okay. And again, insurance 9 did not cover this? 10 A. No. 11 Q. Okay. And finally the last 12 page, do you remember what this one was 13 for? 14 A. Um-hum. 15 Q. Okay. What was this one 16 for? 17 A. I had very severe headache 18 pain and pain in the chest and went to 19 Firelands Emergency Room. 20 Q. And was this, as far as you 21 know now, associated with your 22 migraines? 23 A. That's correct. 24 Q. What, if you remember, 25 brought about this, I don't want to call</p>	<p>1 A. No. 2 Q. Okay. Has there been 3 anything since this document or just 4 refills? 5 A. Just refills. 6 Q. Okay. Butalbital and the 7 Relpax? 8 A. The Butalbital the 9 Cyproheptadine and Amitriptyline. 10 Q. Okay. Can allergens bring 11 on a headache? 12 A. I don't know, but I don't 13 have any particular allergies. 14 Q. Oh, they thought it might be 15 allergies. 16 A. That's correct. 17 Q. I understand. Okay. You've 18 had that allergy test, by any chance? 19 A. No. 20 Q. It's an awful experience. 21 We're finished with that for now. 22 - - - - - 23 (Thereupon, Plaintiff's 24 Deposition Exhibits-GandH 25 were marked for purposes</p>

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<p>1 of identification.)</p> <p>2 - - - - -</p> <p>3 Q. Ms. Brent, just for the</p> <p>4 record, this is marked Exhibit G. This</p> <p>5 is what's called a form letter.</p> <p>6 Basically, the way this works is the</p> <p>7 computer system at Midland enter</p> <p>8 information into this. So this</p> <p>9 particular document may not look</p> <p>10 familiar to you, but does the form of</p> <p>11 this document at all look familiar to</p> <p>12 you?</p> <p>13 A. Not to my knowledge, no.</p> <p>14 Q. Okay. I'm finished with</p> <p>15 that one. I'm going to ask you the</p> <p>16 exact same question about this document,</p> <p>17 which has been marked Exhibit H, with</p> <p>18 the same, you know, preconditions, that</p> <p>19 this is not a complete document, but</p> <p>20 does this document at all look familiar?</p> <p>21 A. Not to my knowledge, no.</p> <p>22 Q. I didn't think they would.</p> <p>23 - - - - -</p> <p>24 (Thereupon, Plaintiff's</p> <p>25 Deposition Exhibit-I</p>	<p>1 Q. Okay. Just for the record,</p> <p>2 do you remember what was occurring or</p> <p>3 where you lived -- let me rephrase.</p> <p>4 Do you remember where you lived</p> <p>5 in March of 1996?</p> <p>6 A. No.</p> <p>7 Q. Okay. You said you went to</p> <p>8 Toledo full time, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Did you live on campus in a</p> <p>11 dorm?</p> <p>12 A. Just for one semester.</p> <p>13 Q. Just for one semester. Do</p> <p>14 you remember how many semesters you</p> <p>15 went?</p> <p>16 A. Honestly, no.</p> <p>17 Q. Okay. I'll ask the same</p> <p>18 question about April of 2000.</p> <p>19 Do you remember where you were</p> <p>20 living at that time?</p> <p>21 A. I don't.</p> <p>22 Q. Okay. Have you ever taken</p> <p>23 out a cash advance on a credit card?</p> <p>24 A. Not to my knowledge.</p> <p>25 Q. So you've never done that to</p>
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<p>1 was marked for purposes</p> <p>2 of identification.)</p> <p>3 - - - - -</p> <p>4 Q. Donna --</p> <p>5 MS. EVANS: Andrea.</p> <p>6 MR. KNIRSCH: I caught myself.</p> <p>7 Q. Ms. Brent, have you ever</p> <p>8 seen this document before?</p> <p>9 A. Yes.</p> <p>10 Q. Was this in preparation of</p> <p>11 today?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Other than that</p> <p>14 preparation, have you seen this document</p> <p>15 before?</p> <p>16 A. No.</p> <p>17 Q. Have you ever heard of</p> <p>18 Associates Bank before?</p> <p>19 A. No, not to my knowledge.</p> <p>20 Q. So you don't remember?</p> <p>21 A. No. Do not recall.</p> <p>22 Q. Sure. Is that indeed your</p> <p>23 Social Security number there, the fourth</p> <p>24 line down?</p> <p>25 A. Yes.</p>	<p>1 your knowledge with your Lowe's card</p> <p>2 either?</p> <p>3 A. No, not with my Lowe's card.</p> <p>4 Q. Okay. Have you ever -- I</p> <p>5 think I asked you this before.</p> <p>6 Have you lived at 129 1/2</p> <p>7 Washington Street in Port Clinton, Ohio?</p> <p>8 A. I have.</p> <p>9 Q. Do you remember what type of</p> <p>10 house that was, if it was indeed a</p> <p>11 house?</p> <p>12 A. It was a house.</p> <p>13 Q. Like duplex or an apartment</p> <p>14 arrangement?</p> <p>15 A. Duplex.</p> <p>16 Q. Was that during school, if</p> <p>17 you remember?</p> <p>18 A. I was going to school at the</p> <p>19 time, I believe.</p> <p>20 Q. When I went to college,</p> <p>21 there were a bunch of people handing out</p> <p>22 free T-shirts, free phone cards, free</p> <p>23 whatever, in exchange for you signing up</p> <p>24 for a credit card.</p> <p>25 Do you recall ever doing that?</p>

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1 A. No.
 2 Q. Okay. Has your name ever
 3 changed for any particular reason?
 4 A. No.
 5 Q. Looking down this, as well,
 6 next to HP, I'm about halfway down, do
 7 you see where I'm looking?
 8 A. Um-hum.
 9 Q. Okay. You said that that
 10 number there is that number your
 11 parents' number?
 12 A. It used to be my mother's.
 13 Q. Used to be your mother's
 14 number. Okay. And the next number
 15 down, you said you don't really know if
 16 that looks familiar?
 17 A. I don't recall that number.
 18 Q. Okay. And you don't recall
 19 opening a Verizon Calling Card Classic
 20 card; is that correct?
 21 A. Do not.
 22 Q. Okay. Do you know if your
 23 Lowe's is a Visa or a MasterCard?
 24 A. That I do not know.
 25 Q. And you said that's your

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1 only one right now, correct?
 2 A. That's correct.
 3 Q. Okay. You've had others in
 4 the past; is that accurate?
 5 A. Yes.
 6 Q. Okay. And right now you're
 7 not exactly sure which?
 8 A. Correct.
 9 Q. Okay. Done with that.
 10 Have you ever owned a post office
 11 box?
 12 A. Yes.
 13 Q. Do you remember if it was
 14 P.O. Box 23 in Port Clinton?
 15 A. That's correct.
 16 Q. For the record, you said you
 17 don't exactly remember 419-734-5558,
 18 that number?
 19 A. That's correct.
 20 Q. Okay. Not just personal but
 21 business, as well?
 22 A. I don't recall that number.
 23 MR. KNIRSCH: Can we go off the
 24 record real quick?
 25 (Discussion had off the record.)

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1 Q. Ms. Brent, I just have a few
 2 more questions and then we'll be done
 3 today.
 4 The phone number you gave me
 5 earlier, is that your home telephone
 6 number or is it a cellular phone?
 7 A. Cell phone.
 8 Q. Do you have a home telephone
 9 number?
 10 A. I do not.
 11 Q. Okay. When you filled out
 12 your home application, do you know if
 13 they checked your credit score, your
 14 credit report?
 15 A. I'm sure they did.
 16 Q. Do you keep a copy of your
 17 loan application and all that stuff?
 18 A. I would have to check.
 19 Q. Okay. How long ago did you
 20 buy that house?
 21 A. It's been about a year and
 22 four months.
 23 Q. Congratulations. Do you keep
 24 pay stubs?
 25 A. Yes.

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1 Q. And you're still taking that
 2 medication that we spoke of before?
 3 A. Yes.
 4 Q. Does that medication at all
 5 have side effects?
 6 A. All medications have side
 7 effects, yes.
 8 Q. Sure. Which ones would
 9 these have?
 10 A. Specifically --
 11 Q. I'll just ask you, for the
 12 record, if those medications would at
 13 all affect your ability to testify
 14 today?
 15 A. No.
 16 Q. Okay. When we spoke of --
 17 you've missed work, due to this action,
 18 and at this point, besides telephone
 19 calls, what other damages have you
 20 suffered out of pocket, if you can think
 21 of any at this point?
 22 A. I said mileage.
 23 Q. Mileage, anything beyond
 24 mileage, missed days and telephone
 25 calls?

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<p>1 A. Suffering.</p> <p>2 Q. Okay. And does that -- have</p> <p>3 you had to pay any money to Murray &</p> <p>4 Murray or your attorney?</p> <p>5 A. No.</p> <p>6 Q. Have you ever paid any money</p> <p>7 to Midland, Midland Credit Management or</p> <p>8 Javitch, Block & Rathbone?</p> <p>9 A. To my knowledge, no.</p> <p>10 MR. KNIRSCH: Ms. Brent, I want</p> <p>11 to thank you for your time today. Do</p> <p>12 you want to explain to her waiving</p> <p>13 signature?</p> <p>14 MS. EVANS: We'll read. You'll</p> <p>15 have the opportunity to read and sign</p> <p>16 and make any corrections to the</p> <p>17 transcript that you need to or you can</p> <p>18 waive it. I'm going to recommend that</p> <p>19 you read it.</p> <p>20 THE WITNESS: Read it.</p> <p>21 MR. KNIRSCH: Thank you.</p> <p>22 (Off the record at 2:56 p.m.)</p> <p>23 -----</p> <p>24 .</p> <p>25 .</p>	<p>1 ERRATA SHEET</p> <p>2 PAGE LINE CORRECTION AND REASON</p> <p>3 .</p> <p>4 .</p> <p>5 .</p> <p>6 .</p> <p>7 .</p> <p>8 .</p> <p>9 .</p> <p>10 .</p> <p>11 .</p> <p>12 .</p> <p>13 .</p> <p>14 .</p> <p>15 .</p> <p>16 .</p> <p>17 .</p> <p>18 .</p> <p>19 .</p> <p>20 .</p> <p>21 .</p> <p>22 .</p> <p>23 .</p> <p>24 .</p> <p>25 .</p>
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<p>1 CEFARATTI GROUP FILE NO. 14002</p> <p>2 CASE CAPTION: MIDLAND FUNDING, LLC VS.</p> <p>3 ANDREA BRENT</p> <p>4 DEPONENT: ANDREA BRENT</p> <p>5 DEPOSITION DATE: NOVEMBER 12, 2008</p> <p>6</p> <p>7 (SIGN HERE)</p> <p>8 The State of Ohio,)</p> <p>9 County of Cuyahoga,) SS:</p> <p>10 Before me, a Notary Public in and</p> <p>11 for said County and State, personally</p> <p>12 appeared ANDREA BRENT, who acknowledged</p> <p>13 that he/she did read his/her transcript</p> <p>14 in the above-captioned matter, listed</p> <p>15 any necessary corrections on the</p> <p>16 accompanying errata sheet, and did sign</p> <p>17 the foregoing sworn statement and that</p> <p>18 the same is his/her free act and deed.</p> <p>19 IN TESTIMONY WHEREOF, I have</p> <p>20 hereunto affixed my name and official</p> <p>21 seal at , this</p> <p>22 day of , A.D. 2008.</p> <p>23 .</p> <p>24 .</p> <p>25 Notary Public Commission Expires</p>	<p>1 CERTIFICATE</p> <p>2 .</p> <p>3 State of Ohio) SS.:</p> <p>4 County of Cuyahoga)</p> <p>5 I, Nancy Geiger, a Notary Public</p> <p>6 within and for the State of Ohio, duly</p> <p>7 commissioned and qualified, do hereby</p> <p>8 certify that the within named witness,</p> <p>9 was duly sworn to testify the truth, the</p> <p>10 whole truth and nothing but the truth in</p> <p>11 the cause aforesaid; that the testimony</p> <p>12 then given by the witness was by me</p> <p>13 reduced to stenotypy in the presence of</p> <p>14 said witness; afterwards transcribed,</p> <p>15 and that the foregoing is a true and</p> <p>16 correct transcription of the testimony</p> <p>17 so given by the witness.</p> <p>18 I do further certify that this</p> <p>19 deposition was taken at the time and</p> <p>20 place in the foregoing caption</p> <p>21 specified.</p> <p>22 I do further certify that I am</p> <p>23 not a relative, counsel or attorney for</p> <p>24 either party, or otherwise interested in</p> <p>25 the event of this action.</p>

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1 I am not, nor is the court
2 reporting firm with which I am
3 affiliated, under a contract as defined
4 in Civil Rule 28 (D).

5 IN WITNESS WHEREOF, I have
6 hereunto set my hand this day of
7 , 2008.

8 .
9 .
10 .
11 .
12 Nancy Geiger, Notary Public
13 within and for the State of Ohio
14 .
15 .
16 .
17 .

18 My commission expires November 4, 20013.
19 .
20 .
21 .
22 .
23 .
24 .
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